IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 4140 of 2007()

CRA. NO. 987 OF 2006 OF THE SESSIONS JUDGE, ERNAKULAM
C.C. NO. 2876 OF 2002 OF THE J.F.C.M., ALUVA

REVN. PETITIONER: APPELLANT/ACCUSED

MR.RAGAVENDRAN, S/O.GOVINDA RAO,
KISHORI NIVAS, CHOONDY, ALUVA.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.M. NAZAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

* * * * * * * * * * * * * * * * * * * *

Crl. R.P. No. 4140 of 2007

* * * * * * * * * * * * * * * * * * * *

Dated: 21-11-2007

ORDER

Revision petitioner who was the accused in C.C. No. 2876 of 2002 on the file of the J.F.C.M., Aluva for offences punishable under Sections 447 and 324 I.P.C. challenges the conviction entered and the sentence passed against him for the aforesaid offences.

2. The case of the prosecution is that on 13-7-2002 at about 2.30 p.m. the accused criminally trespassed into the courtyard of the house of P.W.1 in Edathala Panchayath and after abusing her in filthy language beat her on her forehead with a stick causing a bleeding injury. The accused has thereby committed the aforementioned offences.

3. On the side of the prosecution, 9 witnesses were examined as P.Ws 1 to 9 and 5 documents were got makred as Exts. P1 to P5 and a stick was marked as MO1.

4. The accused denied the incriminating circumstances during his examination under Sec. 313 (1) (b) Cr.P.C.. He did not adduce any defence evidence when called upon to do so.

5. The learned Magistrate, after trial, as per judgment dated 14-11-2006 found the revision petitioner guilty of the offence and sentenced him to pay fine of Rs. 500/- under Sec. 447 I.P.C. and Rs. 4,500/- under Section 324 I.P.C. and also imposed a default sentence for the same. On appeal preferred by the revision petitioner as Crl. Appeal 987 of 2006 before

the Sessions Court Ernakulam , the learned III Addl. Sessions Judge dismissed the appeal confirming the conviction entered and the sentence passed against the revision petitioner. Hence, this revision.

6. Eventhough the learned counsel appearing for the revision petitioner assailed the conviction entered against the revision petitioner, the same has been recorded after a careful evaluation of the oral and documentary evidence in the case. This Court sitting in revision will be loathe to interfere with the conviction so recorded unless the appreciation of evidence by the courts below was faulty. I am not satisfied that the courts below have committed any error in appreciating the evidence on record. The conviction is accordingly confirmed.

The sentence imposed on the revision petitioner also does not call for any interference since he was let off with a fine. If at all the courts below have erred it was on the side of leniency in not awarding a sentence of imprisonment. I am not inclined to interfere with the sentence imposed on the revision petitioner.

This Revision is accordingly dismissed.

V. RAMKUMAR,
(JUDGE)

ani.